

**OPINION
58-185**

May 29, 1958 (OPINION)

STATE BOARD OF HIGHER EDUCATION

RE: Authority to Purchase Land

We have received your request for an opinion dated May 28, 1958.

Your question is whether or not the North Dakota State Board of Higher Education has the power to purchase a quarter section of land in North Dakota for the purpose of carrying on research in botany and biology at the University of North Dakota.

We cannot find any law which either expressly or by implication authorizes the North Dakota State Board of Higher Education to purchase real property, and we therefore hold that the board is without legal authority to buy this quarter section of land.

We suggest that the board seek the authority to purchase this land by a special act of the Legislature when that body next assembles.

LESLIE R. BURGUM

Attorney General